# COURT CURBS TRUST SUIT W. D. HOWELLS HONORED

Dismisses Four Counts of Shoe

Machinery Indictments.

ONLY ONE COUNT IS LEFT

Judge "Unable to Understand Why President Permits Criminal Proceedings."

Boston, March 2.—The criminal proceedings of the Department of Justice against five officials of the United Shoe Machinery Company received a setback to-day when Judge Putnam threw flour of the five counts in the two indictments, out of court. The tremaining count, whigh the government may prose against Sidney W. Winslow, Edward P. Hurd, Elmer P. Howe and George W. Brown, of Boston, and William Barreour, of New York, charges monopoly through the system of leases of patent machinery.

Judge Putnam held that the original combination of four companies was valid and "purely an economic arrangement" and sustained the company's demurer agalant in the system of leases of patent machinery.

Judge Putnam held that the original combination of four companies was valid and "purely an economic arrangement" and sustained the company's demurer against he charges of conspiracy Sherman antiand restrain trade understand which the system of leases of patent machinery.

While in theory the respondents are chargeable, yet, in fact, the practical application of the Sherman antiand restrain trade understand why the Department of Justice of the United States and the president permits, criminal proceedings.

While in theory the respondents are chargeable, yet, in fact, the practical application of the Sherman antiand restrain trade understand why the Department of Justice of the Cinic States and the President permits, criminal proceedings like this until, in the particular case, the practical application of the Sherman antiand restrain trade understand why the Department of Justice of the Cinic States and the President permits, criminal proceedings.

While in theory the respondents are chargeable, yet, in fact, the practical application of the Sherman antiand restrain trade understand why the Department of Justice of the Cinic States of

for both sides. As it stands, according to

Rhode Island Squabble.

An order issued by the Superior Court of Rhode Island on Friday restraining Colonel Asa Bird Gardiner, president, and the other years since the Civil War, Mr. Howells officers of the Rhode Island branch of the Society of the Cincinnati from accepting as a gift to the organization the old Stevens mansion at Newport has disclosed a disagreement among the members of a society in which perfect harmony had reigned for an author, Mr. Howells added, they were

The heirs of the Stevens estate offered the house as a permanent headquarters, thus names of the awful gods of English critiassuring its preservation as an historical landmark. A committee consisting of Colonel Asa B. Gardiner, ex-Governor C. W. Lippett, General Hazzard Stevens, who has lish were still imitating fiction we were charge of the estate; Colonel Charles L. F. Robinson, president of the Colt Arms Comture the bent which it still keeps wherever pany, of Hartford, Conn., and others examined the property and were in favor of it is vital. We came to this faith before accepting the offer.

It was decided to raise a \$10,000 maintenance fund, and half of that amount had ingness to learn of those masters who been subscribed when it was learned that ex-Governor Lippett had changed his mind instinctively continental, and not insular. in regard to the offer, and on Friday, at In poetry no sources were so sweet and his instigation, the order of restraint was issued on the grounds that a corporation

cannot accept property under its charter. "It was stated," said Colonel Gardiner last night, "that there were not sufficient last night, "that there were not sufficient funds in the society to maintain such a building. That is not true: the money for its preservation was to have come from sources outside of the society's general fund, and if we found after a few years' trial that it was too large a project for us to handle, we would have the option of returning it to the Stevens heirs." Mr. Howells continued:

Continued from first page.

that education to this present period of

"Life Turning to Democracy."

Growth of American Literature.

as our journalism has grown up in the

said, and with this literature as truly as

American consciousness has increased. We

began our national career by having no

literature of our own. When he began as

still praying at the old shrine and the

knees of writers knocked together at the

cism. Gradually the light dawned from the

countenance of that most generous of Da-

tions, France, he said, and while the Eng-

learning from the French masters to bui-

tate nature, and we gave American litera-

the English, he said, because we had more

open minds and because we brought a will-

could teach, because we were somehow

pure as the English sources, Mr. Howells

with our commerce and our finance the

A literature as authentic and distinctive

Equality is now the hope of humanity and its service is the condition which has effected itself even in the mystical sources where the inspirations of art have their rise. I am ready—almost ready—to say that as much good poetry is written in this time as in the time that is past; but it is not the poetry of the few, it is the poetry of the many.

And in speaking of the American drama, Mr. Howells said:

Mr. Howells said:

I thought I saw that while the English dramatists painted manners so wonderfully well ours painted nature, our every-day American nature, which at the bottom of its heart is always human nature. If they did not paint manners so well it was perhaps because we had none to paint, or perhaps because our customs, which we make do for manners, change so rapidly from day to day, from Boston to Pittsburgh, from to-morrow to the day after, and from Pittsburgh to Oklahoma, that the kinetegraph alone can catch them. Besides, our drama is still very new.

### Tribute to Mark Twain.

Mr. Howells paid a profound tribute to the memory of Mark Twain, and said in

But the soul of Mark Iwain which re-vined and uttered the immost and most in-manent American mood has passed again so lastingly into the American conscious-ness that it will remain the inspiration of that high or higher average in humor which once again is the distinctly Ameri-

Judge Putman held that the original combination of four companies was vailed and "pirety" an economic arrangement" against charges of company's demurrer against charges of company's demurrer against the distinct that come in the second indictment, and that the count which sill stands the first in the second indictment, and the second indictment, and the second indictment and the first in the second indictment, and the second indictment and th

indictment against Clarence S. Marrow, former chief counsel for the Maxmara brothers, became so emmeshed in legal tangles to-day that, according to attorneys, there is a possibility that all charges may be dismissed.

The complications arose when Earl Regers, attorney for Darrow, refused to accept fragmentary notes of testimony as a compliance with a court order that the District Attorney supply the defence with a full transcript of the evidence on which the grand jury had indicted Darrow.

Declaring a full transcript was not to be had because all the testimony had not been taken by the official stenographer. District Attorney strenchments, the official stenographer, District Attorney Fredericks announced he would pay no more attention to the indictments but would have Darrow rearrested on inferrations.

More legal obstacles arose at this juncture, however, leaving a doubt as to whether such an arrest could be raide in view of the fact that Darrow was under indictment for the alleged offence. Then Judge Hutton, who first ruised that the partial transcript was sufficient and reversely the first partial transcript was sufficient and reversely finished the grand purpose of the partial transcript was sufficient and reverse of the fact that Darrow was under indictment for the alleged offence. Then Judge Hutton, who first ruised that the partial transcript was sufficient and reversely the first partial transcript was sufficient and reversely the fi

when court to make the case streets of the court of the case back to the street of the streets of the court of the street of the streets of the court of the street of the streets of the court of the street of the streets of the court of the street of the streets of the court of the street of the management of the str

hour's talk Mr. Woodruff said the object of his call was to report to the President that the political situation in Brooklyn was highly satisfactory.

Later in the evening the President attended the dinner for William Dean Howells, the author. He left the city for Washington on the 12:30 a. m. train. The President was accompanied by Secretary Hilles, Dr. Thomas L. Rhoads, W W Mischler and two Sceret Service men.

## CUSTOM INSPECTORS DINE

### More than Four Hundred Gather at Hotel Savoy Affair.

More than four hundred United States ustoms inspectors attended the annual dinner of the United States Customs Inspectors' Association, held last night at the Hotel Savoy. William E. Russell presided as toastmaster. Seated with him at the speakers' table were William S. Bennet, William M. Calder, Congressman Hepry M. Goldfogle, General Nelson H. Henry, Samuel S. Koenig, Jefferson M. Levy, said, but he would not willingly yield 1 ri-macy to English poets contemporary with A. Wise, Dr. Joseph J. O'Connell and F. J. the American poets he knew. The dream H. Kracke.

of the earlier ones was that if the slaves Among those attending the dinner were were freed no sorrow could be on earth, he Walter C. Hamilton, Eugene F. Kinkhead. said, but now long ago the slaves were Wilhelm Duty, Alexander McKeon, Richfreed, and through the rift of the poet's broken dream there stared at us the faces of underwaged women and overworked Stuart, Carl E. Whitney, John C. Williams children; and it did not seem as if it were and Timothy L. Woodruff.

from Burning Building.

Thomas Phelan, himself once a doughty nember of New York's finest, but now unable to rise unassisted from his bed, lay all alone yesterday afternoon in his apart-21st street, dreaming perhaps of fires he had braved in his younger and palmier days. All at once he became aware that he air in his room was getting thicker that he was breathing with more and more difficulty. Looking up, he saw smoke curling into his window. He shouted, but

o one heard. minutes before had seen the curtains in a front window on the third floor blow inward and ignite at a burning gas jet. the house before the engines. His entry ner's counsel, and W. M. Byrnes, attorney While he was in Europe he acted for him was impeded by a cataract of pretty girls, for Decker, until Monday to decide whether under power of attorney. He explained which surged down the stairs and out or not to enter a defence at this time. He that Mr. Haslett, who "was sometimes ra- for \$2.50 a year.

a sufficient change that now those faces FORMER PATRO-MAN SAVED through the door in a panic to escape he said he considered that District Attorney were white and not black. Lawlor, stopped long enough to tall him and that upon the evidence now before him Old Man Taken Unconscious that her uncle, the old ex-policeman, was he would hold the two for the grand jury helpless on the fourth floor.

Delahante took the stairs three at a time through the thickening smoke and engines make quick work of the flames. and Phelan was soon returned by willing hands to his bed and his dreams.

Will Hold Prisoners. The people rested their case against ex-Running to the box on the corner, he Senator Frank J. Gardner and George H. turned in an alarm. Patrolman Delahante. Decker, the nurse, yesterday and Magis-of the West 20th street station, arrived at trate Kempner gave Max D. Steuer, Gard-

A citizen passing by on the street a few Kempner Says on Evidence He a witness. Two days later he witnessed a second will under much the same condi-

At yesterday's hearing Dr. Jonathan arrived at Phelan's door just as the old Deyo, one of the doctors called in by Gardman lost consciousness. He bore him to ner after he and Decker had taken charge the street, where he was revived by an, of the aged man's affairs, testified that he ment, on the fourth floor of No. 360 West ambulance surgeon and the cool air. The Mr. Yerby to the Remsen street house on February 13 at 11:30 o'clock at night. Gardner asked Mr. Haslett a number of questions, which he answered promptly. Gardner then read a will to him and he accepted REST ON GARDNER CASE each provision. The ex-Senator's name was mentioned either as a beneficiary or as executor. The physician signed the paper as

> tions. He testified that he believed from what he saw that Mr. Haslett was competent when he signed the wills. Mr. Lord took the stand and testified tha had known Mr. Haslett since !874

The Ehrich Galleries on the charge of conspiring to defraud

> Special Exhibition German, Dutch, Flemish and Italian Primitives

AT FORTIETH STREET

tional and sometimes irrational," wante him to have the power of attorney,

SUNDAY'S NEW-YORK TRIBUNE Mailed anywhere in the United States



# FRANKO'S ORCHESTRA & MLLE. CANTARELLI, RESTAURANT, DAILY 2. 33 Years Leaders Of Fashion 0 00 1

Beginning To-Morrow Our Most Interesting and Certainly One of Our Most Important Annual Special Events

# The Great March Sale of China and Glassware

W HEN you read of a Simpson Crawford Sale like this—an occasion which has taken months of preparation and represents enormous special purchases, the most extensive dealings with the largest factories in every part of the world, and a determined effort in value giving-then you know that you can expect values, varieties and qualities not to be matched anywhere in America. To put it briefly-

We Have Over \$100,000 Worth of Fine, New China and Glass, Priced To Be Sold During the Month of March for Less Than \$60,000

Of course it is only possible to mention here a few of the hundreds of items, but we feel sure that you know what to expect from a house like Simpson Crawford's, where at all times the most dependable merchandise is sold at the lowest prices.

Rich, Sparkling Cut Glass at Prices 1/4 to 1/3 Off

Bought from the most noted cut glass makers in the world. Every piece guaranteed absolutely perfect, deep and beautifully cut, all heavy quality. Your choice of numerous exquisite designs. Read the list below and see for yourself the unprecedented values we are giving.

\$5.75 12-inch Oval Orange Bowls at \$3.75. \$3.75 12-inch Oval Orange Bowls at \$3.75. \$1.98 8-inch Fruit or Berry Bowls at \$1.49. \$3.95 9-inch deep Fruit or Salad Bowls at \$2.95. 10-inch Fruit Bowls, regularly \$6.95, at \$4.95. 11-inch Celery Trays, regularly \$1.98, at \$1.39. \$3.50 14-inch Ice Cream Trays at \$2.49. \$4.50 Sugar and Creamer Sets at \$2.95. \$1.98 Sugar and Creamer Sets at \$1.29. \$25 Punch Bowls and foot, rich cutting, \$17.50. Punch Bowls, regularly \$35.00, at \$25.00. \$1.25 8-inch Rich Cut Glass Spoon Trays, at 98c. \$7.95 16-inch Ice Cream Trays, at \$5.49. \$3.00 2-piece Richly Cut Mayonnaise Sets, \$1.89. \$1.98 Cut Glass Spoon Holders at \$1.29. \$3.98 Covered Butter Dishes, richly cut, \$2.98. 12-inch Trumpet Vases, regularly \$2.50, at \$1.89. 8-inch Cut Glass Fern Dishes and lining, regularly \$3.49, at \$2.29. \$4.50 7-inch Chair Bottom Cut large Ice Tubs,

7-inch Whipped Cream Bowls, richly cut, regularly \$2.75, at \$1.79. \$6.50 2-piece rich 9-inch Punch Bowls, at \$3.98.

\$1.50 6-inch Handled Olive Dishes, at 79c. \$15.00 Cut Glass Punch Bowls, at \$10.75. Hundreds of other items correspondingly as attractively priced.

510 Reading Lamps, \$3.98-54.98 COMPLETE FOR GAS OR ELECTRICITY. \$3.98 for gas.

Equal to any \$12 and \$15 lamp in many stores; stands 23 inches high, has 12 inch shade of art glass and 4 inch fringe. They are of Grecian antique gold finish, and also verde green finish. Electric are fitted with two lishits and cord, ready for use. Gas are fitted with 6 foot tubing and all sundries, ready for use. None C. O. D. \$3.98

None mail or phone orders. Sale prices, \$3.98

\$25-\$30 Reading Lamps, \$15 Stands 25 inches high, and has a rich verde green finish with leaded art glass 18 fnch shade and three lights complete. It represents one of the many remarkable talues in this March sale.



## Theo. Haviland's Reg. \$30 103-Piece Dinner Set Special \$ 1 Monday

It's a bargain unheard of, and it will be many months again, perhaps never, before you will be able to get such an unparalleled value as this. As you know, the lowest priced Haviland Set is \$25.00, and these Sets we offer at \$14.59 are still better, being the regular \$30.00 grade. We bought 1,000 Sets, which is the largest single order ever placed by any store in the United States, securing an enormous concession. The first shipment of two hundred Sets has arrived for to-morow's

This China is of the finest thin translugent quality, made in the new plain Bristol and Chelsea shapes. Strictly exclusive patterns of dainty floral and pink spray designs, two of which are open stock, making it possible to replace lost or broken pieces at any time. Every single piece is treated with genuine coin gold, and all pieces are stamped with the regular trade mark: Theo. Haviland, Limoges, France. Here is the composition complete for family use:—

1 dozen Dinner Plates. | 1 dozen Tea Cups and l dozen Tea Plates. l dozen Soup Plates.

2 large Meat Platters 1 covered Vegetable Dish 1 open Vegetable Dish. 1 dozen Dessert Plates. 1 dozen Individual But-1 dozen Fruit Saucers. 1 Pickle Dish.

It is needless to say that these Sets will go quickly at this remarkable price, and if you want a high class dinner set at a price that is less than cost to make, then come here to-morrow. These sets will be held for future delivery if necessary, but no mail or C. O. D. orders filled, and none sold to dealers.

Saucers

## Electroliers and Bronzes

Each piece is of skilful workmanship and many accurate reproductions of famous artists; the savings are exceptional and should induce active

March Sale

**RUGS** 

Begins Monday

Electroliers as follows:-

\$7.95 for French 2-Light Electroliers; assorted new models, stand 25 inches high. Regularly \$12.50. \$11.95 for French Electroliers; stand 31 inches high, complete, ready for use; assorted models.

Regularly \$15.00.

\$13.50 for 38-inch High 3-Light Electroliers; assorted models. Regularly \$18.50. \$16.95 for Large 3-Light Electroliers, 34 inches

high. Regularly \$25,00. \$12.95 for French Masterpieces. Model Blacksmith (a popular model), stands 19 inches high on 9½x7 base. A beautiful, celebrated piece after Artist Rosseau. Regularly \$18.50.

A Dining Room Dome at \$5.49 Solid brass frame, size 22 inches, fitted by hand with eight farge bent art glass panels and art glass crown. Solid brass stem and canopy, fitted with 100 candle power inverted light, made in rich ambes or Nile green. Made behard throughout; workmanship guaranteed. Made to it is foot and 10 foot ceilings. About 200 on hand, if eveningly will deliver within one week. Control of dome factories enables us to make this offer. \$5.49 Sale price

\$12.50 and \$15.00 Italian Marble

Busts, \$8.95

Several assorted models, mostly with lace effect but, stand from 15 to 20 inches high. Special \$8.95 importation for this sale. About 100 pieces.

\$10.00 Electric Desk Lamps, \$5.95 Berlin brass with bronze mountings. Square shade with beaded fringe, adjustable and suitable as well as practical for desk, piano or wall. Measures \$5.95 in the high and shade 6 inches in diameter.

\$18.00 Dining Room Dome, \$9.49

Made with 12 art glass panels, fitted by hand into 20 inch brass frame. Crown also fitted with 12 plecas art glass. The skirt of the dome has over 200 pieces of art glass cut and fitted by hand into a superb fruit deelign in naturel colors. Complete with high candle power inverted light. Made for electricity at small additional charge. Sale price.

SIMPSON CRAWFORD CO., 6TH AVE., 19TH TO 20TH ST., NEW YORK CITY.